

CONSTITUTION AND BYLAWS OF THE ROSEBUD

SIOUX TRIBE OF SOUTH DAKOTA

PREAMBLE

Under and by virtue of our Creator and His divine providence, we the enrolled members of the Rosebud Sioux Tribe of Indians of the Rosebud Indian Reservation in the State of South Dakota in order to establish justice to insure tranquillity and enjoy the blessings of freedom and liberty, to conserve our tribal property, to develop our common resources, and to promote the best welfare of the present generation and our posterity, in education and industry, do hereby adopt and establish this constitution and by-laws.

Article I - Territory

The jurisdiction of the Rosebud Sioux Tribe of Indians shall extend to the territory within the original confines of the Rosebud Reservation boundaries as established by the act of March 2, 1889, and to such other lands as may hereafter be added thereto under any law of the United States, except as otherwise provided by law.

Article II - Membership

Section 1. Membership of the Rosebud Sioux Tribe shall consist as follows:

(a) All persons of Indian blood, including persons born since December 31, 1920, whose names appear on the official census roll of the tribe as of April 01, 1935.

(b) All persons born after April 01, 1935, and prior to the effective date of this amendment, to any member of the Rosebud Sioux Tribe who was a resident of the reservation at the time of the birth of said persons. (Amendment V - May 2, 1966)

(c) All persons of one-fourth (1/4) or more Sioux Indian blood born after April 01, 1935 to a member of the Tribe, regardless of the residence of the parent. (Amendment XV - December 29, 1977) (Amendment XVI - September 23, 1985)

Section 2. The Tribal Council shall have the power to promulgate ordinances covering future membership and the adoption of new members. (Amendment XVI - September 23, 1985)

Article III - Governing Body

Section 1. The governing body of the Rosebud Sioux Tribe shall consist of a council known as the Rosebud Sioux Tribal Council.

Section 2. The president and vice president of the tribe, shall be elected at large for a term of two years. All other members of the council shall be elected for terms of two years. All elections shall be by secret ballot. Each community of the reservation, as follows shall be entitled to representation on the tribal council as hereinafter provided: (Amendment VI - May 2, 1966) (Amendment XVII - September 23, 1985) (Amendment XXIII - February 4, 1988)

- | | |
|-------------------|--------------------|
| 1. Antelope | 11. Okreek |
| 2. Black Pipe | 12. Parmelee |
| 3. Bull Creek | 13. Ring Thunder |
| 4. Butte Creek | 14. Rosebud |
| 5. Corn Creek | 15. St. Francis |
| 6. Grass Mountain | 16. Soldier Creek |
| 7. He Dog | 17. Spring Creek |
| 8. Horse Creek | 18. Swift Bear |
| 9. Ideal | 19. Two Strike |
| 10. Milk's Camp | 20. Upper Cut Meat |

Section 3. The tribal council shall have authority to make changes in the foregoing list according to future community needs. (Amendment XVII - September 23, 1985)

Section 4. Each recognized community shall elect representatives to the tribal council, in the proportion of one representative for each seven hundred and fifty (750) members. Recognized communities with less than seven-hundred and fifty (750) members shall be consolidated, by the Tribal Council, with an adjacent recognized community for representation on the Tribal Council only. (Amendment XXII; July 31, 1987)

Section 5. Any member of the Tribe at least twenty-five (25) years of age, who has not been found guilty by the Council of misconduct in Tribal affairs shall be qualified to seek and hold membership on the Tribal Council, provided that a candidate for President or Vice-president of the Tribe must have been living on the Reservation for at one year preceding the date of the Primary election, and a candidate for Community Representative must have been living in the Community of his candidacy for at least one year next preceding the date of the Primary election. If by reason of Tribal employment, or Tribal office, a candidate for Community Representative is absent from the Community of his candidacy, and resides in Rosebud Community, such residence shall be treated as living in the community of his candidacy for the purpose of this section. (Amendment VI - May 2, 1966) (Amendment XVII - September 23, 1985)

Section 6. If the office of President becomes vacant before the expiration of the term the Vice-President shall fill the unexpired term unless the Tribal Council orders a special election. If the office of Vice-President becomes vacant by reason of succession, or any other cause, the Tribal Council shall elect a Vice-President from its own number to fill the vacancy until the next general election: provided, that the tenure of office of any person elected to fill the vacancy shall not extend beyond the term of office of the original incumbent.

If the office of any Community Representative becomes vacant before the expiration of the term and one year or more of the term remains, the Tribal Council, within thirty (30) days after the vacancy, shall order a special election. If less than one year of the term remains, the Community Council of the affected Community, within thirty (30) days from the date of the vacancy shall appoint a Community Representative for the unexpired term. **(Amendment VI - May 2, 1966)**

Section 7. The Tribal Council shall elect from within or without its number a Secretary, Treasurer, Sergeant-at Arms, and such other officers as it may deem appropriate for a term of two years but not beyond the next General election. Any such officers selected from without the Council shall have no vote in matters before the Council. **(Amendment VI - May 02, 1966)**

Section 8. The Rosebud Sioux Tribal Council shall be the sole judge of the constitutional qualifications of its own members.

Section 9. The first election of Councilmen under this Constitution shall be held on call of the present Council, within thirty (30) days after its ratification and approval. Prior to the first election of the Tribal Council the membership of each Community shall be determined by the Superintendent and a committee consisting of one delegate from each Community herein designated.
(Amendment VII - May 2, 1966)

Section 10. There shall be a Primary election and a General Election for President and Vice President of the Tribe held every two years commencing in 1989, and there shall be a Primary election and General election for Community Representatives to the Tribal Council held two years commencing in 1989. Primary elections shall be held on the fourth Thursday in August and General elections shall be held on the fourth Thursday in October.

If the election Thursday is a legal holiday, the election shall be held on the first subsequent day which is not a holiday. the terms of Councilmen and officers in office on the effective date of this amendment shall expire thirty (30) days following certification of the results of the General election to be held in 1989. **(Amendment No. VI, May 2, 1966) Amendment No. XVII,**

September 23, 1985) (Amendment No. XXIII, February 04, 1988)

Section 11. Newly elected tribal officers and community representatives shall begin their official duties on the first business day of the first week following their certification by the Tribal Election Board. (Amendment XVII, September 23, 1985)

Article IV - Powers of the Rosebud Sioux Tribal Council

Section 1. Enumerated powers - The council of the Rosebud Sioux Tribe shall exercise the following powers subject to any limitations imposed by the statutes or the Constitution of the United States, and subject further to all express restrictions upon such powers contained in this constitution and attached bylaws. (Amendment No I, effective June 19, 1962)

(a) To negotiate with the Federal, State, and local Governments on behalf of the tribe and to advise and consult with the representatives of the Interior Department on all activities of the Department on all activities of the Department that may affect the Rosebud Sioux Reservation.

(b) To employ legal counsel for the protection and advancement of the rights of the tribe and its members, the choice of counsel and the fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To purchase and to otherwise acquire lands and other property for or on behalf of the Tribe and manage, permit, assign, lease, sell, exchange, encumber, or otherwise deal with tribal lands and property as authorized by law; provided that there shall be no sales of Tribal or T.L.E. managed lands and no land trades to any non-Indians within the original boundaries of the 1868 Treaty without the consent of the Tribe; provided, that in leasing tribal land for grazing or agricultural purposes preference shall be given to any member of the Tribe who is the economic head of the family. (Amendment No. II, June 19, 1962. (Amendment No. XX1, September 23, 1985.))

(d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the tribe prior to the submission of such estimates to any Departments of the United States Government, and to Congress. (Amendment No. XVIII, September 23, 1985.)

(e) To make assignments of tribal land to members of the tribe in conformity with Article VIII of this constitution.

(f) To make all economic affairs and enterprises of the tribe in accordance with the terms of a charter which may be issued to the tribe by the Secretary of the Interior.

(g) To appropriate for public purposes of the Rosebud Sioux Tribe

available tribal council funds. **(Amendment No. XVIII, September 23, 1985.)**

(h) To levy taxes upon members of the tribe and to require the performance of reservation labor in lieu thereof, and to levy taxes or license fees upon non-members doing business with the reservation. **(Amendment No. XVIII, September 23, 1985.)**

(i) To exclude by ordinance from the restricted lands of the reservation persons not legally entitled to reside therein. **(Amendment No. XVIII, September 23, 1985.)**

(j) To enact resolutions or ordinances not inconsistent with Article II of the constitution governing the adoption and abandonment of membership.

(k) To promulgate and enforce ordinances providing for the maintenance of law and order and the administration of justice by establishing a reservation court and defining its duties and powers. **(Amendment No. XVIII, September 23, 1985.)**

(l) To purchase lands of members of the tribe for public purposes, under condemnation proceedings in courts of competent jurisdiction.

(m) To safeguard and promote the peace, safety, morals, and general welfare of the tribe by regulating the conduct of trade and the use and disposition of property upon the reservation and provided further that non-restricted property of members which was obtained without any help or assistance of the Government of the tribe may be disposed of without restrictions. **(Amendment No. XVIII, September 23, 1985.)**

(n) To charter subordinate organization for economic purposes and to regulate the activities of all cooperative associations of members of the tribe.

(o) To regulate the inheritance of property, real and personal, other than allotted land, within the territory of the reservation. **(Amendment No. XVIII, September 23, 1985.)**

(p) To regulate the domestic relations of members of the tribe.

(q) To provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution. **(Amendment No. VIII, September 23, 1985)**

(r) To exchange and foster the arts, crafts, traditions, and culture of the Sioux.

(s) To regulate the manner of making nominations and holding elections for tribal offices.

(t) To adopt resolutions regulating the procedure of the council itself and of other tribal agencies and tribal officials.

(u) To delegate to subordinate boards or tribal officials, to the several communities, or to cooperative associations which are open to all members of the tribe any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

(Former Section 2 repealed by Amendment No XVIII, September 23, 1985)

Section 2. Future Powers - The Tribal council may exercise such further powers as may in the future be delegated to the tribe by the Secretary of the Interior or, by and duly authorized official or agency of the State or Federal Government.

Section 3. Reserved Powers - Any rights and powers heretofore vested in the Rosebud Sioux Tribe but not expressly referred to in this constitution shall not be abridged by this article but may be exercised by the people of the Rosebud Sioux tribe through the adoption of appropriate by-laws and constitutional amendments.

Article V - Community Organization

Each community established under this constitution shall elect annually, a president and such other officers as may be advisable.

The president shall call and preside over popular meetings of the community whenever necessary for the consideration of matters of local interest. The various communities may consult with representatives of the Interior Department on all matters of local interest and make recommendations thereon to the tribal council or the superintendent or Commissioner of Indian Affairs, may undertake and manage local enterprises for the benefit of the community, may levy assessments upon members of the community, may expend moneys in the community treasury for the benefit of the community, may keep a roll of those members of the tribe affiliated with the community, and may exercise such further powers as may be delegated to the communities by the tribal council. The actions of the community councils shall not be inconsistent with the constitution, by-laws, and ordinances of the tribe.

Article VI - Elections

Section 1. Any enrolled member of the Rosebud Sioux Tribe, at least eighteen (18) years of age, who has resided for at least thirty (30) days immediately prior to the election day in the district in which he anticipates to vote, is qualified to vote. (Amendment No. IX, May 02, 1966.) (Amendment No. XIV, September 4, 1973.)

(Former Section 2, repealed by Amendment No. X, May 2, 1966.)

Article VII - Removal from Office

Section 1. Any member of the tribal council who is convicted of a felony or of any other offense involving dishonesty during his term of office shall automatically forfeit his office.

Section 2. The tribal council may, by a two-thirds vote, expel any member, except the President or Vice-President, for neglect of duty or gross misconduct, after due notice of charges and an opportunity to be heard. Procedures for the recall of the President or the Vice-President may be initiated by a petition signed by at least 50 per cent of those members who voted in the last tribal election. The Tribal Council shall adopt a recall ordinance with procedures that include, but not be limited to, specific charges for recall, provisions for hearings between the petitioners and the person whom charges are brought against. The Tribal Council shall call for an election of recall if the evidence submitted at the hearings so warrant. (Amendment No. XVII, September 23, 1985.)

Article VIII - Land

(Former Sections 1,2,3 and 4 repealed by Amendment No. III June 19, 1962.)

Section 1. In any assignment of tribal lands, preference shall be given to heads of families which are entirely landless. Assignments under this section shall be known as "home assignments" and shall be granted for the purpose of giving opportunity to homeless Indians for establishing a home. Any assignment under this provision shall not exceed ten (10) acres in area.

Section 2. If any person holding a "home assignment" of land shall for a period of six months fail to use the land so assigned or shall use the land for any unlawful purpose, his assignment may be cancelled by the tribal council after due notice and opportunity to be heard. Such land may then be available for reassignment.

Upon the death of any Indian holding a "home assignment" his heirs or other individuals designated by him by will or written request shall have preference in the reassignment of the land, provided such persons are eligible to receive a "home assignment."

Section 3. Any member of the Rosebud Tribe who owns an allotment of land or any share in heirship land or any deeded land, may, with the approval of the Secretary of the Interior, voluntarily transfer his interest in such land, including or excluding mineral rights therein, to the tribe and receive therefor an assignment in the same land or other land of equal value or he may receive a proportionate share in a unit of grazing land.

Assignments made under this section shall be know as "exchange

assignments."

Section 4. A member receiving an "exchange assignment" shall receive the right to lease such assigned lands or interest under the same terms of governing the leasing of allotments.

Section 5. Upon the death of a holder of an "exchange assignment", such lands shall be reassigned by the Tribal Council to his heirs or devisee, subject to the following conditions.

(a) Such lands may not be reassigned to any heir or devisee who is not a member of the Rosebud Tribe, except that a life assignment may be made to the surviving spouse or child of the holder of such assignment.

(b) Such lands may not be reassigned to any heir or devisee who already holds more than 1020 acres of land on the reservation (Amendment No. IV, June 19, 1962.)

(c) Such lands may not be subdivided into units too small for practical use. No area of grazing land shall be subdivided into units smaller than one hundred sixty (160) acres. No area of agricultural land shall be subdivided into smaller units than two and one-half (2 1/2) acres. When interest in assignments shall involve smaller areas than the amounts herein set out, the Tribal Council may issue to such heir or devisee a proportionate share in other grazing units or other interest in land of equal value.

(d) If there are no eligible heirs or devisee of the decedent, the land shall be eligible for reassignment the same as other tribal lands.

Section 6. Improvements of any character made upon assigned land may be willed to and inherited by members of the Rosebud Tribe. When improvements are made possible of fair division, the Tribal Council shall dispose of them under such regulations as it may provide. No permanent improvements may be removed from any tribal or assigned land without the consent of the tribal council.

Section 7. No member of the Rosebud Tribe may use or occupy tribal land except under assignment or lease.

Section 8. Unassigned land shall be managed by the Tribal Council for the benefit of the members of the entire tribe.

(Former Section 9 repealed by Amendment No. XVIII, September 23, 1985.)

Section 9. Applications for assignments of lands shall be made in writing. Such applications shall be submitted to the council at regular or special sessions. The application will be placed in the hand of a proper committee who will call the matter up for action of the next regular meeting of the council. Any member of the tribe may object in writing, to a proposed assignment. In the event of objection, the chairman of the council shall set a date for a hearing, advising both the

applicant and the objector. The action of the council shall be final.

The Secretary of the council shall furnish the superintendent or other officer in charge of the agency a complete record of all action taken by the council on applications for assignment of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the tribe.

The council shall draw up one or more forms for standard and exchange assignments, which shall be subject to the approval of the Secretary of the Interior.

Article IX - Amendments

Section 1. This Constitution and By-laws may be amended by a majority vote of the qualified voters of the Rosebud Sioux Tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) per cent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of Interior to call an election on any proposed amendment, upon receipt of a written resolution signed by at least three-fourths (3/4) of the membership of the council.

Section 2. Upon receipt of a petition that contains the signatures of at least thirty (30) per cent of the voters in the last tribal election, the Tribal Secretary shall refer this petition to the next Tribal Council meeting which shall call a Tribal Constitution convention to commence within thirty (30) days and to appoint a seven-member Tribal Constitutional Task Force, consisting of tribal members outside the Tribal Council, to conduct this which shall be referred to the Secretary of the Interior, and upon receipt of them, it shall be the duty of the Secretary of the Interior to set an election as described in Section 1 above.

(Amendment No. XIX, September 23, 1985.)

Article X - Bill of Rights

Section 1. All members of the tribe and all Indians on the reservation shall enjoy with hindrance freedom of religion, speech, press, assembly, conscience and association.

Section 2. Any Indian on the reservation accused of any offense shall have the right to a speedy and public trial and to be informed of the nature and cause of the accusation, and to be confronted with witnesses against him. Any Indian accused of any offense shall have the right to the assistance of counsel and to demand trial by jury. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Section 3. No person shall be subject for the same offense to be twice put in jeopardy; nor be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor be denied equal protection of law. (Amendment No. XI, May 02, 1966.)

BYLAWS OF THE ROSEBUD SIOUX TRIBE

ARTICLE 1 -DUTIES OF OFFICERS

Section 1. The President shall manage and administer the affairs of the Tribe, including the supervision of Tribal employees, subject to the resolutions, ordinances and instructions of the Tribal Council. The President shall preside at all meetings of the Tribal Council. He shall vote only in case of a tie. (Amendment XII, May 02, 1966.)

Section 2. The Vice-President shall assist the President when called upon to do so, and, in the absence of the President, he shall preside. When so presiding, he shall have all the rights, privileges, duties, as well as the responsibilities, of the President. the Vice-president shall not have a vote except in case of a tie when acting as President under Section 1 of this Article. (Amendment XIII, May 02, 1966.)

Section 3. The Council Secretary shall keep a full report of all proceedings of each regular and special meetings of the Tribal Council and shall perform such other duties of like nature as the Council, shall from time to time by resolution provide, and shall transmit copies of the minutes of each meeting to the Council, to the Superintendent of the Reservation, and to the Commissioner of Indian Affairs.

Section 4. The Council Treasurer shall be the custodian of all moneys which come under the jurisdiction or in control of the Rosebud Sioux Tribal Council. He shall pay out money in accordance with the orders and resolutions of the Council. He shall keep account of all receipts and disbursements and shall report the same to the Council at each regular meeting. He shall be bonded in such an amount as the council by resolution shall provide, such bond to be satisfactory to the Commissioner of Indian Affairs. The books of the Council Treasurer shall be subject to audit or inspection at the discretion of the Council or the Commissioner.

Article II - Duties of the Councilmen

Section 1. It shall be the duty of each member of the Tribal Council to make reports to the community form which he was elected concerning the proceedings of the tribal council.

Section 2. It shall also be the duty of each member of the Tribal Council, to attend any duly called special or regular meeting of the Tribal Council unless excused by motion of the Tribal Council in session, to present to the Tribal Council in a timely manner any duly approved community resolution or any legitimate petition of tribal members, and to abide by a tribal Code of Ethics adopted by the Tribal Council. (Amendment No XX, September 23, 1985.)

Article III - Oath of Office

Each member of the tribal council and each officer or subordinate officer, elected or appointed here under shall take an oath of office prior to assuming the duties thereof; by which oath, he shall pledge himself to support and defend the Constitution of the United States and this constitution and by-laws.

(Oath): I, _____ do hereby solemnly swear that I will support and defend the Constitution of the United States against all enemies, will carry out faithfully, and impartially, the duties of my office to the best of my ability; and will cooperate, promote and protect the best interests of my tribe, the Rosebud Sioux, in accordance with this constitution and by-laws.

Article IV - Salaries

Section 1. The Tribal council may prescribe such salaries of tribal officers, employees, or member of the council as it deems advisable from such funds as may be available.

Section 2. No compensation shall be paid to any councilman, president, vice-president, secretary, treasurer, tribal council, or any officer out of the tribal funds under the control of the Federal Government, except upon a resolution stating the amount of compensation and the nature of services rendered, and said resolution shall be of no effect until approved by the Secretary of the Interior.

Article V - Meetings of Council

Section 1. Regular meetings of the Tribal Council shall be held once a month on days and places designated by the Tribal Council by resolution, provided special meetings may be called by a majority of the Tribal Council membership, unless a larger number is required elsewhere in this constitution and by-laws. (Amendment No. XX, September 23, 1985.)

Section 2. A designated room or place shall be set aside for the tribal council, where all records and tribal council property shall be kept.

Article VI - Sioux Councils

The tribal council shall have the power to select delegates to sit in National Sioux Councils.

Article VII - Adoption of Constitution and By-Laws

This constitution and by-laws, when ratified by a majority of the qualified voters of the Rosebud Sioux Tribe voting at a special election called for the purpose by the Secretary of the Interior, provided that at least 30 percent of those entitled to vote shall vote in such elections, shall be submitted to the Secretary of the Interior, and, if approved, shall be effective from date of approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved November 1, 1935, by the Secretary of the Interior, the attached constitution and by-laws were submitted for ratification to the members of the Rosebud Sioux Tribe of the Rosebud Reservation and were on November 23, 1935, duly approved by a vote of 992 for the and 643 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the act of June 15, 1935 (Public, No. 147, 74th Cong.)

/s/ George Kills In Sight
Chairman of Election Board

/s/ George Whirlwind Soldier,
Vice Chairman, Rosebud Sioux Tribe

/s/ Wallace A. Murray,
Secretary, Rosebud Sioux Tribe

/s/ W.O. Roberts,
Superintendent

I, Harold I. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984). as amended, do hereby approve the attached constitution and by-laws of the Rosebud Sioux Tribe.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution and by-laws are hereby declared inapplicable to the Rosebud Sioux Tribe.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and by-laws.

Approval recommended December 16, 1935.

John Collier,
Commissioner of Indian Affairs.

Harold I. Ickes
Secretary of the Interior
(SEAL)

Washington, D.C., December 20, 1935

**AMENDMENTS TO THE CONSTITUTION AND
BY-LAWS OF THE ROSEBUD SIOUX TRIBE**

AMENDMENT I

(June 19, 1962 - YES - 346; NO - 296)

ARTICLE IV, Section 1. Enumerated Powers - The Council of the Rosebud Sioux Tribe shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States, and subject further to all express restrictions upon such powers contained in this Constitution and attached by-laws.

AMENDMENT II

(June 19, 1962 - YES - 330; NO - 279)

ARTICLE IV, Section 1(c). To purchase and to otherwise acquire lands and other property for or on behalf of the Tribe and to manage, permit, assign, lease, sell, exchange, encumber, or otherwise deal with Tribal lands and property as authorized by law, and to prevent the sale, disposition, lease, or encumbrance of Tribal land, interests in tribal lands or other Tribal assets without the consent of the Tribe; provided, that in leasing Tribal land for grazing or agricultural purposes preference shall be given to any member of the Tribe who is the economic head of the family.

AMENDMENT III

June 19, 1962 - YES - 325; NO - 291)

ARTICLE VIII, Section 1,2,3,4,. Repealed; renumber remaining sections as required.

AMENDMENT IV

CORPORATE CHARTER OF THE ROSEBUD SIOUX TRIBE
A Federal Corporation Chartered Under the Act of June 18, 1934

Whereas, the Rosebud Sioux Tribe of the Rosebud Reservation in South Dakota is a recognized Indian Tribe organized under a constitution and by-laws ratified by the Tribe on November 23, 1935, pursuant to section 16 of the Act of June 18, 1934 (48 Stat. 378); and

Whereas, more than one-third of the adult members of the Tribe have petitioned that a charter of incorporation be granted to such Tribe, subject to ratification by a vote of the adult Indians living on the reservation;

Now, therefore, I Harold L. Ickes, Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934 (48 Stat. 984), do hereby issue and submit this charter of incorporation to the Rosebud Sioux Tribe to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living on the reservation, at an election in which at least 30 per cent of the eligible voters vote.

- | | |
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| Corporate
Existence | 1. In order to further the economic development of the Rosebud Sioux Tribe by conferring upon the said Tribe certain corporate rights, powers, privileges and immunities; to secure for the members of the Tribe an assured economic independence; and to provide for the proper exercise by the Tribe of various functions heretofore performed by the Department of Interior, the aforesaid Tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Rosebud Sioux Tribe." |
| Perpetual
Succession | 2. The Rosebud Sioux Tribe shall, as a Federal corporation, to perpetual succession. |
| Membership | 3. The Rosebud Sioux Tribe shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Tribe, as provided by its duly ratified and approved Constitution and By Laws. |
| Management | 4. The Rosebud Sioux Tribal Council established in accordance with the said Constitution and By Laws of the corporate powers hereinafter enumerated. |
| Corporate | 5. The Tribe, subject to any restrictions |

Powers

contained in the Constitution and laws of the United States, or in the Constitution and By Laws of the said Tribe, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the Constitution and By Laws of the Tribe.

- (a) To adopt, use, and alter at its pleasure a corporate seal.
- (b) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

(Charter
Amendment No. 1
effective June
19, 1962)

- (1) "No sale, mortgage, or lease may be made by the Tribe of any land, or interest in land now or hereafter held by the Tribe, except as authorized by law, the regulations of the Secretary of Interior and the Constitution of the tribe".
- (2) No leases, permits (which terms shall not include land assignments to members of the Tribe) of timber sale contracts covering any lands or interest in land now or hereafter held by the Tribe within the boundaries of the Rosebud Reservation shall be made by the Tribe for a longer term than ten years, and all such leases, permits or contracts must be approved by the Secretary of the Interior or by his duly authorized representatives; but oil and gas leases, mineral leases, or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.
- (3) No action shall be taken by or in behalf of the Tribe which in any way operates to destroy or injure the tribal grazing lands, timber, or other natural resources of the Rosebud Reservation. All leases, permits, and timber sale contracts relating to the use of tribal grazing or timber lands shall conform to regulations of the Secretary of the Interior authorized by section 6 of the Act of June 18, 1934, with respect to range carrying capacity, sustained yield forestry management, and other matters therein specified. Conformity to such regulations shall be made a condition of

any such lease, permit, or timber sale contract, whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

- (c) To issue interests in corporate property in exchange for restricted Indian lands, the forms of such interests to be approved by the Secretary of the Interior.

(Charter
Amendment
No. II,
effective
19, 1962)

- (d) To borrow money for any purpose consistent with Federal law, the tribal constitution of the tribe, this charter and the regulations of the Interior; Provided that no tribal June assets, including future tribal income, may be pledged as security for a loan except with the approval of the Secretary of the Interior; and Provided further, that any contract involving payment in excess of \$75,000 in any one fiscal year shall be subject to approval by the Secretary of the Interior.
- (e) To engage in any business that will further the economic well-being of the members of the Tribe or to undertake any activity of any nature whatever, not inconsistent with law or with any provision of this charter.
- (f) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of South Dakota, including agreements with the State of South Dakota for the rendition of public services; provided that all contracts with the United States or contracts submitted for Departmental approval, shall not exceed \$10,000 in total amount except with the approval of the Secretary of the Interior.
- (g) To pledge or assign chattels or future income due to the Tribe under any notes, leases, or other contracts, or from any other source, whether or not such notes, leases or contracts are in existence at the time, provided that such agreements of pledge or

assignment, other than agreements with the United States, shall not extend more than ten years from the date of execution and shall not cover more than one-half the income from any source.